

Statement for the Record

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**Subcommittee on Criminal Justice, Drug Policy, and Human Resources
Committee on Government Reform
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Introduction

Chairman Souder, Ranking Member Cummings, members of the subcommittee, I appreciate the opportunity to appear before you today to discuss the serious consequences that will occur if federal funding for drug enforcement programs, including the High Intensity Drug Trafficking Area (HIDTA) program and the Edward Byrne Justice Assistance Grant program, are reduced or eliminated as proposed in the Administration's FY 2006 budget request.

I am the President of the National Narcotic Officers' Associations' Coalition (NNOAC) which represents forty-three state narcotic officers' associations with a combined membership of more than 60,000 police officers throughout the nation. I am a veteran police officer and I have spent most of my thirty-year law enforcement career working in narcotic enforcement. Earlier this year I retired from state service as Assistant Chief with the California Department of Justice, Bureau of Narcotic Enforcement.

Thanks to the vision and leadership provided by this subcommittee and many of your colleagues in Congress, there has been good news to report to the American public regarding our fight against illicit drugs and drug related violent crime. Director Walters of the Office of National Drug Control Policy has reported an 11% reduction in overall drug use and a staggering 17% reduction in use by teens over the past three years. Our nation has also experienced dramatic reductions in violent crime and other demonstrable success in the fight against drug abuse. This has caused many of us to look with pride on the accomplishments brought about by the implementation of a balanced and comprehensive drug strategy that relies upon prevention, treatment, and the enforcement of our nation's drug laws.

Unfortunately, if the FY 2006 drug control budget is implemented, with Byrne eliminated and HIDTA eviscerated and moved to the Department of Justice, it will destroy those many years of hard work and the success that we have all helped to accomplish.

Key Questions

In deciding the fate of federal assistance for state and local drug enforcement activities these questions must be asked: with the effects of drug abuse costing 19,000 American lives each year, how many more cuts can we afford to make to drug enforcement programs before our national drug control strategy reaches the point of being ineffective? How many more deaths will occur if we abandon what has proven to be a successful and balanced approach to the nation's drug problem by dramatically reducing or eliminating successful and balanced drug enforcement programs such as Byrne and HIDTA? The impact of diluted drug policies and a reduced federal commitment to helping local law enforcement fight drug trafficking, will deliver a slow but devastating blow to the quality of life in America.

Drug enforcement took a hit last fall when the original Edward Byrne Memorial Grant program and the Local Law Enforcement Block Grant were consolidated into the Byrne Justice Assistance Grant (JAG) program with an overall reduction in funding and the loss of a mandate to use those funds for drug enforcement. The knock-out punch will be delivered – and our recent success in the fight against drug abuse will evaporate – if Congress does not act to restore the Byrne Justice Assistance Grant to full funding, and retain full funding for the High Intensity Drug Trafficking Area Program (HIDTA) while keeping it managed by ONDCP. Moving HIDTA to the Department of Justice Organized Crime and Drug Enforcement Task Force (OCDETF) program would only serve to destroy the partnership between federal, state, and local law enforcement as we know it today.

The Drug War and the Global War on Terror

Since September 11, 2001, the focus of federal assistance to state and local public safety agencies has shifted to protecting the homeland from terrorist activities and equipping first responders. This is appropriately the top priority right now. However, the shift has now come at the expense of traditional law enforcement missions, such as drug enforcement, which not only impact communities on a daily basis, but are directly tied to the Global War on Terror. In shifting resources to homeland security, we must not lose our focus on drug enforcement and prevention. In fact, protecting our homeland MUST mean protecting citizens from drug traffickers and violent drug gangs.

The damage created by the abuse of illegal drugs has not been erased by the events of September 11th. Probably more than most Americans, the members of the NNOAC understand the danger that illegal drugs pose to the fabric of our society. We lost almost 3,000 Americans on September 11th. In contrast, more than 3,000 Americans die every two months - more than 19,000 people each year - as a direct result of illicit drug abuse and its related effects. In addition, ONDCP estimates that illicit drug use costs our society \$160 billion each year. I believe that the loss of 19,000 lives annually and a cost of \$160 billion each year means that drug trafficking is a form of home-grown terrorism in America.

Just as there is a national strategy to combat terrorism, each year the Office of National Drug Control Policy develops the National Drug Control Strategy to apply a comprehensive strategy to combat the public health, violent crime, child abuse, and quality of life consequences that

American society endures as a result of drug abuse. Just like the homeland security strategy, key to the implementation of this plan is resources for federal law enforcement, but also federal assistance to state and local drug enforcement programs that are essential pieces of the overall strategy.

If we agree that drug abuse in America is a national problem that requires an international, national, state, and local law enforcement response; if we agree that drug abuse poses a threat to the security of our nation; if we agree that drug profits fuel terrorism and weaken our ability to respond to terrorist threats; and if we agree that drug trafficking and use increases the power of gangs and promotes violent crime in our communities, then we should all reach the same conclusion: a coordinated strategy that provides resources for targeted and effective drug enforcement activities must be a top priority of the federal government.

The HIDTA and Byrne programs provide only a small amount of the overall funding that each year is dedicated to state and local drug enforcement, but the funding provided by Byrne and HIDTA is the glue that allows state and local law enforcement officers to work with their federal counterparts to control this national epidemic and to help them implement our National Drug Control Strategy. It is this coordination that has improved the effectiveness of drug enforcement and has helped reduce drug use and violent crime.

Philosophy of Federal Assistance for State and Local Drug Enforcement Activities

I want to address the philosophical argument that provides the underpinning of the administration's proposed cuts, which is that the federal government has gotten too deep into funding state and local law enforcement activities, creating a dependency and lessening the ability of states themselves to execute one of their core functions, which is law enforcement. I have to say that on many levels I agree with the philosophy that the federal government should not supplant state and local funds for law enforcement activities. But I strongly disagree that Byrne and HIDTA fall into this category.

Byrne funds multi-jurisdictional task forces that don't replace state and local funds, but rather provide the incentive for local agencies to cooperate, communicate, share information, build good cases, and pursue organizational and regional targets rather than just the individual pushers that local agencies typically deal with. Both enforcement targets are valid and necessary, but without Byrne, law enforcement would revert to catching street-level dealers. We would go back to working within our own stovepipe without regard for working cooperatively and using intelligence to lead us in investigating drug trafficking organizations. I started working narcotics enforcement in 1978 when we drug law enforcement was hampered by mistrust, the inability to share information and a lack of understanding of how best to target organizations. We have come along way since then, but those hard earned improvement in our profession will vanish if federal resources are not available to help continue the multi-jurisdictional task force model and the concept of intelligence led policing.

The same can be said of the HIDTA Program. HIDTA's, like Byrne-funded task forces, provide avenues of cooperation, forced information sharing, deconfliction, and local and regional

intelligence analysis that state and local agencies simply are incapable of performing themselves, and that federal agencies are inadequately focused and equipped to perform.

If Congress allows Byrne to be cancelled and HIDTA cut, and if you reduce or eliminate the local control over individual HIDTA's, then you effectively remove an entire line of defense against drug trafficking at the local and regional level. Is this really what we want to do?

Another argument I've heard from the administration – it was included in the narrative that accompanied the budget request – is that since crime and drug use are down, resources should be shifted to other priorities. I could not disagree more with this statement. We saw in the early 1990s that when resources are shifted out of the fight against drugs, usage and crime rates will increase. We should be embracing what has worked, not calling it a day and dismantling successful programs.

The statistical evidence is overwhelming: Increases in drug arrests are followed by drops in violent crime. Drops in drug arrests are followed by increases in violent crime. This is no surprise to the residents of drug-infested neighborhoods or to those of us who deal with these matters professionally. Make no mistake: violence is the primary tool of drug dealers. Drug criminals use force and intimidation to control turf, ensure the swift payment of drug debts, and deter those who might cooperate with law enforcement. A 1997 Bureau of Justice Statistics study of state prison inmates found that criminals who were under the influence of drugs while committing their crime accounted for 27% of all murders and 40% of robberies, a dramatic example of the link between drug use and violent crime.

It is clear that vigorous law enforcement strategies can greatly reduce the number of victims of drug related violence. New York City's experience with drug related crime control clearly proves that point. In 1994, the New York Police Department implemented a program that targeted those individuals and drug gangs that were believed to be responsible for much of the city's violent crime. It targeted all levels, from street dealers to the drug kingpins that were responsible for supplying the bulk of the drugs that made their way to the streets of New York. The results were nothing short of phenomenal. From 1994 to 1998, narcotics arrests doubled from 64,000 to 130,000. At the same time, serious and violent crimes dropped from 432,000 to 213,000. In fact, New York City's per capita homicide rate was reduced to that of Boise, Idaho. The cumulative effect of this multi-year trend was that 750,000 people were spared from being the victims of violent crime and as many as 6,500 of our fellow human beings are alive today who would have been the victims of a homicide if had not been for the aggressive enforcement of laws including drug violations. But that vigorous law enforcement strategy and the success that resulted would not have been as effective had it not been for the funding and guidance provided by Byrne and HIDTA.

Since September 11th, there has been ongoing criticism that Federal law enforcement, intelligence, and defense agencies did not adequately share information and that they certainly did not work together to reduce the risk of terrorism. That may be true in the terrorism arena but not so in narcotic enforcement. Thanks to the HIDTA Program and Edward Byrne funded multi-jurisdictional drug task forces, federal, state and local drug investigators are collocated and working cooperatively in cities, towns, and rural communities throughout the country. More importantly, these officers from a variety of agencies and backgrounds have established trusted relationships and using the services of RISS and the HIDTA Intelligence Centers (ISCs), are de-

conflicting tactical operations and sharing case information in accordance with the National Criminal Intelligence Sharing Plan.

That sharing would not occur without the cooperation that comes when agencies have the resources and ability to be housed together with a unified command structure working to address a common regional strategy that is funded federally but administered by balanced Executive Boards that equitably represent the interests of all participating agencies. That information sharing and investigative cooperation is enhanced even more when the grant guidelines and Executive Boards mandate that cooperation.

Conclusion

We have made excellent progress in the last few years in the fight against illegal drug use. However, drugs are still at the root of much of the crime and blight in our communities today. Many crimes are directly related to manufacturing, growing, selling, possessing and using dangerous drugs. There are also many visible drug-related crimes including homicides, assaults, and property crimes committed by persons under the influence of drugs or trying to pay for their addiction. And there will always be drug lifestyle crimes and social problems, which are less obvious but no less attributable to the scourge of drug abuse. These problems include domestic abuse, child neglect, prostitution, driving under the influence, homelessness, mental illness, lost productivity at work, and a shirking of one's responsibility to family and community, all of which contribute to a weakened society.

The question that must be asked and answered by this Congress is: In light of a successful reduction in drug use and drug related violent crime, should America gamble the safety of its citizens by changing our strategy and eliminating or reducing the funding and local control strategy that has allowed Police Chiefs, Sheriffs and State Police Superintendents to fight drugs and violence in your communities? The large cities of this country will continue to have drug enforcement programs, albeit reduced, even with the cuts proposed in the Administration's budget. But if the Administration's FY 2006 budget is passed as submitted, in fact if Byrne and HIDTA are not restored to at least the FY 2005 funding levels, suburban and rural law enforcement will no longer have the financial resources they need to address the problems of drugs and drug fueled gang crimes in their communities.

We have all seen the exploding methamphetamine and OxyContin epidemics that have flooded rural and suburban America. Without Byrne and HIDTA, we will take a step back to the early 1980's when there was little or no coordinated law enforcement response to the problem. And I fear that we will see a resurgence of drug related violence and epidemic use that we all lived through in the early 1990's.

I believe that any reductions in federal support to state and local drug enforcement and any change in program structure that would destroy the federal partnership with state and local law enforcement would result in increased drug use, unprecedented gang violence and the loss of opportunities for our nation's children. It would be a step in the wrong direction with devastating consequences.